

REMARKS

Entry of the present amendment and consideration of the comments which follow in response to the the Official Action mailed October 4, 2006 is respectfully requested by Applicants.

Claim 1 has been amended. Support for the amendment is found in the specification in paragraph 60 and in original claim 13. No new matter has been added.

Claims 1-36 are currently pending.

Restriction requirement

The Examiner requires restriction under 35 USC §121 to one of the following groups:

- I: Claims 1-10, 35, and 36 drawn to a compound classified in class 536, subclass 1.11, 4.1
- II: Claims 11-12 drawn to an oligomer classified in class 536, subclass 23.1
- III: Claims 13-21 drawn to an oligomer classified in class 536, subclass 23.1
- IV: Claim 22 drawn to a composition classified in class 536, subclass 24.3
- V: Claim 23 drawn to use of a compound for synthesis classified in class 536, subclass 25.3
- VI: Claim 24 drawn to use of a compound for labeling nucleic acids classified in class 536, subclass 26.6
- VII: Claims 25 and 26 drawn to the use of a compound for hybridization classified in class 435, subclass 6
- VIII: Claim 27 drawn to a chemical synthesis classified in class 536, subclass 25.3
- IX: Claim 28 drawn to a method of enzymatic synthesis classified in class 435, subclass 91.1
- X: Claim 29-31, 33, and 34 drawn to a method of detecting a target classified in class 435, subclass 6
- XI: Claim 32 drawn to a method of identifying the presence or amount of a target classified in class 435, subclass 6

The Examiner argues that inventions of Groups I-VI and VII-XI are related as products and processes of use, and the compound of Group I, for example, can be used in the formation of oligomers and said oligomer can be used in the invention of Groups VII-XI. He further argues that the inventions are distinct for the reason given above, and there would be a serious burden on the Examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification.

Election for Examination

Applicants elect, with traverse, the invention of Group I, claims 1-10, 35, and 36, for prosecution at this time.

Traversal of requirement

Applicants traverse the requirement and argue that the restriction between the inventions of Groups II and III is improper.

For a restriction to be proper, the Examiner must establish why the examination of the restricted subject matter in a single application would impose a serious burden on the Examiner (MPEP 808.02). The Group II and Group III subject matter both belong to the same class and subclass. Furthermore, the Examiner has failed to establish or suggest that a different field of search would be required for these two groups or that the subject matter of the respective two groups has obtained a separate status in the art. Accordingly, Applicants argue that the restriction between these two groups is clearly in error, and they respectfully request the Examiner's reconsideration of the requirement with regard to Groups II and III.

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The Examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958. A duplicate copy of this sheet is enclosed.



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